



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 2, 2004

Mr. Scott Lobdell
Key Engineers, Inc.
1 E. Main Street
Middletown, DE 19709

RE: PLUS review – Brookwood Crossing/Stone Gate Apartments

Dear Mr. Lobdell:

Thank you for meeting with State agency representatives on February 19, 2004 to discuss the Brookwood Crossing project to be located on 57 acres on South Carters Road in Smyrna. As reviewed, this project will consist of 281 townhouse and apartment units.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the State agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that the Town of Smyrna is the governing authority over this land; therefore, you will need to comply with any and all regulations/restrictions set forth by the Town.

State agency comments received regarding this project are as follows:

Office of State Planning Coordination

The proposed development is located in a “Community” area according to the Strategies for State Policies and Spending. In these areas where population is concentrated, commerce is bustling, and a wide range of housing types already exists, state policies will encourage redevelopment and reinvestment. The State supports high quality, well designed higher density residential development and redevelopment in these areas, which are near services, utilities, and existing infrastructure.

We recommend that the applicant and the Town consider the following general design comments which may improve the overall character of the project, making it a more livable neighborhood:

1. A centrally located, easily accessible active recreation area is recommended. Active recreation areas of a relatively small acreage can have great benefits to the community when strategically placed to be the focus of the neighborhood.
2. It is suggested that the applicant and the Town consider rear alley access for the townhomes. Rear alley access can provide much needed access to the rear yards of interior units, and address a range of parking, utility, and emergency access issues.
3. On street or overflow parking needs should be considered. Overflow parking can be an issue in townhouse developments with front parking because there is little room available for on-street parking due to continuous curb cuts.
4. The architectural design of the units themselves can create a quality image for the community. It is recommended that the applicant consider using varied pitch roof lines, alternating siding materials, staggered setbacks for relief, and other measures to make the buildings themselves visually interesting.
5. It is recommended that the Town consider a unified approach to utility placement on the units, and also consider measures to screen the utilities from view.

These design measures may seem like small details, but when considered together they could lead to a much more attractive community that may benefit the developer in terms of sales and marketing, and the future residents in terms of a more attractive and viable neighborhood which they will be proud to call home.

Department of Natural Resources and Environmental Control

Water Supply

If dewatering is necessary during the construction phase, well construction permits must be obtained. Please allow four to six weeks for processing well permit applications. You can contact the Water Supply Branch at (302) 739-4793 for more information.

Wastewater

Connection to the public sewer from the City of Smyrna is proposed.

Soils

According to the Kent County soil survey Sassafras, Woodstown, and Johnston were mapped in the vicinity of subject parcel. Sassafras is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development

Wetlands

According to the Statewide Wetland Mapping (SWMP) maps, forested riparian wetlands are present in the northwest portion of subject parcel. The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils, as they are subject to regulatory provisions of the Federal Clean Water Act 404 program governing jurisdictional wetlands.

It is recommended that the development include a 100 foot riparian forested buffer from the edge of the wetlands along the unnamed tributary of Lake Como. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

Groundwater Recharge

According to the Groundwater Recharge Potential map for Kent County the project appears to be within a fair to good recharge area. It is important to attempt to reduce or mitigate the amount of impervious surface and to minimize near surface pollutant sources and increased surface water runoff.

TMDLs

The project is located within the Delaware Bay watershed. This watershed will be subject to a Total Maximum Daily Load Regulations in 2007. To assist in the improvement of water quality, the developer is encouraged to employ best available technologies (BATs) and/or best management practices (BMPs) as a means to reduce impacts associated with development.

Department of Transportation (DelDOT)

DelDOT recognizes and commends the proposed vehicular connection between the townhouse and apartment developments as good site design.

Your engineer should coordinate with the DelDOT Subdivision Manager, Mr. George Shaw, to determine what will be required regarding the proposed site entrances on Carter Road. Mr. Shaw may be reached at (302) 760-2261. Preliminarily, DelDOT is concerned that the entrance to the townhouses might be too close to the entrance to Sunnyside Village. The developer's engineer will need to demonstrate that the left-turn queues will not overlap.

A traffic impact study (TIS) will be required and that study could identify a need for off-site improvements beyond Carter Road. As discussed at the TIS scoping meeting on February 4, there are several pending developments in the area between Lake Como and Garrison Lake. The TIS will have to include these developments but responsibility for the improvements identified in the TIS will be apportioned between the pending developments. Because there will be significant overlap between the TIS for this project and those for other pending projects, the developers of these projects have been urged to

cooperate in the completion of a combined study. DelDOT recognizes that there may be a tendency for each of the developers to wait for the others to do their studies first and they are committed to working with the Town to develop a fair approach that assigns the cost of the required improvements equitably.

When the initial planning was done for Carter Road south of Sunnyside Road, DelDOT determined that a connection from that road to Route 13 at Interchange No. 114 on Route 1, the south Smyrna interchange, would provide safer and more direct movement of traffic through the area. To that end, we have been working informally with the developer of the land on Route 13 to obtain the right-of-way dedication and construction of such a road. Now that Liborio III, L.P. is ready to develop its land, DelDOT has provided their engineer with a preferred alignment and asked that they incorporate it into their site planning. In response, they have reduced the planned number of apartments from 300 to 188 and have left a large area, including the potential right-of-way for the road as “other lands”. At the meeting, they indicated their intent to expand the apartment complex onto those lands in the future. While there is no need to address the construction of the road as part of this plan, it should be noted that DelDOT has requested that they reserve the land for it now. The road should be addressed as part of the TIS.

State Historic Preservation Office (SHPO)

There is a medium to high probability for prehistoric and historic archaeological sites, especially in the wooded areas on the southeastern end of the development area. It is suggested that you retain as much wooded area as possible to minimize any effects to the potential sites. Be aware that if any federal licenses, permits, or funds are involved, the federal agency must comply with Section 106 of the National Historic Preservation Act.

Delaware State Fire Marshals Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains.

Fire Protection Features:

- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

Accessibility:

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South Carter Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered

- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com technical services link, plan review, applications or brochures.

Public Service Commission

The subdivision is within an existing Smyrna CPCN area so no further PSC action is required

Department of Agriculture

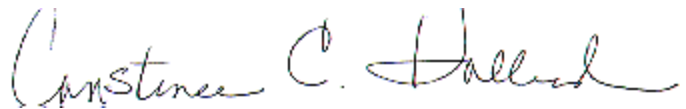
The Department of Agriculture encourages a diverse landscape plan, use of natives when possible, and encourages a forest buffer along all existing farms, residential areas, and industrial sites. It is recommended that you preserve trees when possible and maintain a 100 foot forest buffer around the creek. The Delaware Forest Service has offered its services to the developer to implement a forest preservation plan for this project.

Delaware State Housing Authority

DSHA supports this proposal because townhouses will provide affordable homeownership opportunities for moderate-income households and the apartments' proposed rent of \$500 to \$600 per unit is affordable to low-income households. The provision of these units will help meet the need for both affordable homeownership and rental opportunities that were identified in the 2003 Statewide Housing Needs Assessment.

Again, thank you for meeting with State agencies regarding this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP
Director

CC: Mr. Lee Ramunno
Town of Smyrna